

Notice of Allowability

Application No.

10/813,470

Examiner

Cheryl Lewis

Applicant(s)

MCKENNEY ET AL.

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the applicants' communication received on September 11, 2007.
2. ☒ The allowed claim(s) is/are 1-3, 5-8, & 10-17, renumbered as claims 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

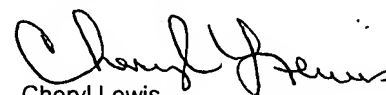
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Cheryl Lewis
Patent Examiner, A.U. 2167
November 8, 2007

DETAILED ACTION

1. Claims 1-3, 5-8, 10-17 are allowed. These claims have been renumbered as claims 1-15.
2. Claims 4, 9, and 18-23 were cancelled in the amendment received on March 28, 2007.

Drawings

3. The drawing filed on March 30, 2004 are accepted by the examiner.

REASONS FOR ALLOWANCE

4. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not render obvious to one ordinarily skilled in the art at the time of applicant's invention nor anticipate the combination of claimed elements including "creating a temporary record within a hash chain encompassing a record for the data file and corresponding to a location of the data file within the computer file system; linking the temporary record within the hash chain so that the temporary record points to a before record to which the record for the data file points and to an after record to which the record for the data file points" and "removing the temporary record from the hash chain, wherein while the temporary record exists within the hash chain,

look-ups of the data file resolve to the temporary record, such that the temporary record causes the look-ups to wait until the record for the data file has been renamed and the temporary record removed" as recited in independent claim 1 and similarly recited in independent claims 12 and 15.

As per claim 8, the prior art of record does not render obvious to one ordinarily skilled in the art at the time of applicant's invention nor anticipate the combination of claimed elements including "wherein atomically moving the data file from one location to another location within the computer file system comprises atomically moving the data file from one location to another location within the computer file system such that once a look-up of the data file within an old location of the data file necessarily fails, any subsequent look-up of the data file within a new location of the data file necessarily succeeds, and such that once a look-up of the data file within the new location necessarily succeeds, any subsequent look-up of the data file within the old location necessarily fails, such that in atomically moving the data file, the method renames the data file of the computer system while permitting lock-free look-ups to the data file by utilizing the temporary record to which look-ups to the data file are directed while the data file is being renamed."

The remaining claims, 2, 3, 5-7, 10, 11, 13, 14, 16, and 17, are dependent claims, thus these claims are patently distinct over the art of record for at least the above reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

NAME OF CONTACT

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the
Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/

Patent Examiner, A.U. 2167

November 8, 2007